

**AGENDA**  
**CONNECTICUT MEDICAL EXAMINING BOARD**

**Tuesday, April 21, 2009 at 1:30 PM**  
Department of Public Health Complex  
410 Capitol Avenue, Hartford Connecticut  
Conference Room C - Building 470

***CALL TO ORDER***

**EXECUTIVE SESSION**

Pending litigation – Freedom of Information Complaint

**I. APPROVAL OF MINUTES**

**II. UPDATES**

- A. Chair Updates
- B. Information Updates  
Department of Public Health
- C. Health Assistance interVention Education Network  
for Connecticut Health Professionals – (HAVEN)

**III. NEW BUSINESS**

- A. License Reinstatement Applications
  - Robert Fryer, MD
  - Allan Myers, MD*Presented by Maritsa Morales, Licensing and Applications Analyst*
- B. Medical School Permit Application
  - Miguel Materin, MD*Presented by Maritsa Morales, Licensing and Applications Analyst*
- C. Office of Chief Public Defender  
Request for Reconsideration of Denial of Request for Declaratory Ruling

**IV. LEGAL OFFICE BUSINESS**

- A. Ramana Primus, MD – Petition No. 2008-0529-001-087  
*Presentation of Consent Order – Stanley Peck, Section Chief, Legal Office, DPH*
- B. Vivian G. Mihailescu, MD – Petition No. 2006-0425-001-079  
*Modification of Consent Order – Matthew Antonetti, Principal Attorney, DPH*
- C. Patrick Rocco, MD – Petition No. 2006-0425-001-079  
*Presentation of Consent Order – David Tilles, Staff Attorney, DPH*
- D. William Harris, MD – Petition No. 2008-1010-001-190  
*Presentation of Consent Order – David Tilles, Staff Attorney, DPH*
- E. Clifford Berken, MD – Petition No. 2008-1208-001-224  
*Presentation of Interim Consent Order – Matthew Antonetti, Principal Attorney, DPH*
- F. Salvatore Pace, MD – Petition No. 2008-0812-001-145  
*Presentation of Consent Order – Stanley Peck, Section Chief, Legal Office, DPH*

**V. 120 DAY EXTENSIONS**

Anthony Santomauro, MD – Petition No. 2007-0220-001-028

***ADJOURN***

The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.

**CONNECTICUT MEDICAL EXAMINING BOARD  
MINUTES OF MEETING  
February 17, 2009**

The Connecticut Medical Examining Board held a meeting on Tuesday, February 17, 2009 at the Department of Public Health, Capitol Avenue, Hartford, Connecticut in Conference Room C, Building 470.

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***BOARD MEMBERS PRESENT:***

Regina Stankaitis, Chairperson  
Richard Bridburg, MD  
Anne Doremus  
Michael Erickson  
David M. Goldenberg, MD  
Robert Green, MD  
Steven Hanks, MD  
Patricia Loving, PA  
Michael Lindberg, MD  
C. Steven Wolf, MD

***BOARD MEMBERS ABSENT***

Martin Courneen  
Douglas Fellows, MD  
Henry Jacobs, MD  
Howard Sadinsky, DO  
Susan Wernick

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Ms. Stankaitis called the meeting to order at 1:30 p.m.

**I. MINUTES**

The draft minutes of the January 20, 2008 meeting were reviewed. Dr. Bridburg made a motion, seconded by Dr. Green, to approve the minutes. The motion passed with all in favor except Ms. Loving and Ms. Doremus who abstained.

**II. CHAIR UPDATES**

The following correspondence/information was received and reviewed:

1. Monthly tracking of pending cases.
2. Hearing assignments.
3. Department of Public Health Quarterly Investigations Summary.

**III. INFORMATION UPDATES**

- A. Department of Public Health  
None

#### **IV. LEGAL OFFICE BUSINESS**

Prior to the review of today's Consent Orders the Board discussed with Stanley Peck, Section Chief, Legal Office, Department of Public Health the need for additional information to be presented to the Board. Dr. Hanks and Dr. Bridburg commented that more detailed information is necessary for the Board to make informed decisions when approving Consent Orders.

Examples of additional information to be include on Consent Order cover sheets:

- how a complaint came to the DPH
- in prescribing related cases, information as to whether respondent has an addiction problem and/or is supporting another person's addiction.
- more detailed cases summaries in standard of care cases.

A workgroup to include Dr. Wolf, Dr. Hanks and Dr. Bridburg will meet with DPH to discuss this issue.

##### **A. George Giffault, DO – Petition No. 2007-0531-001-096**

Matthew Antonetti, Principal Attorney, Department of Public, presented a Consent Order in the matter of George Giffault, DO. Attorney Michael Kogut was present with Dr. Giffault. Dr. Wolf made a motion, seconded by Dr. Hanks, that the Consent Order imposing a \$4500.00 civil penalty and one year probation be approved. The motion passed with all in favor except Dr. Green who was not in the room when the vote was taken. Ms. Stankaitis signed the Order.

##### **B. Pasquale DeMatteo, DO – Petition No. 2007-0706-001-119**

Stanley Peck, Section Chief, Legal Office, Department of Public, presented a Consent Order in the matter of Pasquale DeMatteo, DO. Neither respondent nor his attorney was present. Dr. Bridburg made a motion, seconded by Mr. Erickson, that the Consent Order imposing a \$1000.00 civil penalty be approved. The motion passed with all in favor except Dr. Green who abstained. Ms. Stankaitis signed the Order.

Dr. Bridburg strongly suggested that in future cases respondent and/or respondent's counsel be present when proposed Consent Orders are being reviewed.

#### **V. TIME EXTENSIONS**

Dr. Bridburg moved and Dr. Hanks seconded to approve a 120-day extension in the following matters:

Charles Jones, MD – Petition No. 2006-0111-001-010: A final day of hearing is scheduled for March 20, 2009.

Kimberly Meyer, PA – Petition No. 2008-1010-023-007: A hearing is scheduled for July 21, 2009.

Bernard Raxlen, MD – Petition No. 2003 1216-001-286: A hearing is scheduled for March 27, 2009.

Patrick Rocco, MD – Petition No. 2006-0425-001-079: A Pre-hearing conference was held on January 20, 2009.

**VI. OLD BUSINESS**

**Request for Declaratory Ruling**

The Board reviewed a request filed by the State of Connecticut, Division of Public Defender Services, Office of Chief Public Defender asking the Board to issue a declaratory ruling regarding physician participation in the execution of condemned Connecticut inmates by use of lethal injection. The request asks the Board to rule as to whether physician participation in an execution, as defined by the American Medical Association Code of Medical Ethics Opinion 2.06 constitutes a departure from the ethics of the medical profession, and/or, would a participating physician be subject to disciplinary proceedings pursuant to Connecticut General Statute §§ 20-13c(4), 20-13c (5) or any other state statute or regulation.

Assistant Attorney General Kerry Colson was present to provide counsel to the Board. Attorney Michael Courtney was present on behalf of the Office of Chief Public Defender.

Dr. Bridburg made a motion, seconded by Dr. Hanks, to enter executive session to obtain legal advice from the Assistant Attorney General. The motion passed unanimously and the Board entered executive session from 2:13 pm. until 2:18 p.m. to discuss a letter from Attorney Courtney to Assistant Attorney General Thomas Ring.

No motions were made and no votes were taken during executive session.

Following executive session Dr. Goldenberg made a motion, seconded by Dr. Bridburg, that the Board deny the Office of Chief Public Defender's request for a declaratory ruling.

Dr. Lindberg spoke in opposition to the motion stating that additional information should be provided to the Board before making a decision on the request for a declaratory ruling.

Dr. Bridburg spoke in favor of the motion stating it was not in the Board's purview to make ethics determinations.

Dr. Hanks concurred with Dr. Bridburg stating he did not feel it was in the Board's jurisdiction to determine ethical standards for the medical profession and that a process already exists through the adjudication of complaints to determine if a physician's conduct would be subject to disciplinary action.

The motion to deny the request for a declaratory ruling passed with all in favor except Dr. Lindberg and Ms. Loving who were opposed.

**VII. ADJOURNMENT**

As there was no further business, the meeting was adjourned at 2:25 p.m.

Respectfully submitted,

Regina Stankaitis, Chairperson